

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS
No. 20-217V

SUSIE BJALOBOK,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: February 12, 2021

SCHEDULING ORDER-SPECIAL PROCESSING UNIT

On May 26, 2020, Respondent's counsel filed a status report stating that she conducted a preliminary review of the case and did not identify any medical records that appeared to be missing. Respondent's counsel also stated that she did not identify any legal or factual issues that require additional support or development. Respondent further estimated that this case will be reviewed by February 27, 2021.

In light of Respondent's counsel's assessment, Petitioner's evidence filed to date, and my own review of this case, I believed it would be appropriate for this case to remain in SPU. ECF No. 16. Further, Petitioner indicated that a demand for damages was provided to Respondent on June 9, 2020. ECF No. 15.

On February 8, 2021, Respondent filed a status report stating that an additional 2 months is needed to determine his position. ECF No. 25. Waiting an additional 2 months would result in feedback coming more than one year after this case was released from pre-assignment review (March 4, 2020) and would not be productive. Whatever the reason for that delay, proceedings in the Vaccine Program will not be held up for months at a time simply because one party to a claim (here, Respondent) is unable to adhere to a deadline or move the case. Thus, I will provide Respondent an additional 30 days to indicate how he intends to proceed. If this case remains in stasis after that time, I will permit Petitioner to seek a ruling on the record.

Accordingly: Respondent shall file, by no later than Monday, March 15, 2021, a status report indicating how Respondent intends to proceed in this case or an updated estimate on the amount of time needed for the medical review. If Respondent again indicates that the matter remains unreviewed, or that the possibility of settlement cannot be assessed for several more months, Petitioner

shall be permitted to move for a ruling on the record, and any such motion may also make a substantiated damages request.

Any questions about this order or about this case generally may be directed to OSM staff attorney **Andrew Sterling at (202) 357-6389 or Andrew_Sterling@cfc.uscourts.gov.**

IT IS SO ORDERED.

s/Brian H. Corcoran
Brian H. Corcoran
Chief Special Master